

SERVICE AND PROCESSING OF CLAIMS

Plaintiff or Claimant: Notice of Claim  
Reynaldo J Navarez

Date: 6.30.20

In-person

Process Server

Claimant

Other \_\_\_\_\_

By mail

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CITY OF WEST ALLIS  
CITY CLERK

NOTICE OF CLAIM  
PURSUANT TO WIS. STATS. § 893.80

TO:

West Allis City Clerk Steven A. Braatz, Jr.  
Office of the City Clerk  
City Hall, Room 108-110  
7525 W. Greenfield Ave.  
West Allis, WI 53214

Chief of Police Patrick Mitchell  
West Allis Police Department  
11301 W. Lincoln Ave.  
West Allis, WI 53227

Lucas Binter  
West Allis Police Department  
11301 W. Lincoln Ave.  
West Allis, WI 53227

Clint Corwin  
West Allis Police Department  
11301 W. Lincoln Ave.  
West Allis, WI 53227

Timothy Gold  
West Allis Police Department  
11301 W. Lincoln Ave.  
West Allis, WI 53227

Todd Kurtz  
West Allis Police Department  
11301 W. Lincoln Ave.  
West Allis, WI 53227

Wayne Treep  
West Allis Police Department  
11301 W. Lincoln Ave.  
West Allis, WI 53227

Ryan McNally  
West Allis Police Department  
11301 W. Lincoln Ave.  
West Allis, WI 53227

SLH Services

Server

*Steph*

Date

*6-30-20 time 12:08 PM*

Jeffrey Zientek  
West Allis Police Department  
11301 W. Lincoln Ave.  
West Allis, WI 53227

Jeritt Mees  
West Allis Police Department  
11301 W. Lincoln Ave.  
West Allis, WI 53227

Ramon Agor  
West Allis Police Department  
11301 W. Lincoln Ave.  
West Allis, WI 53227

Ryan Stuetzgen  
West Allis Police Department  
11301 W. Lincoln Ave.  
West Allis, WI 53227

Michael Sitter  
West Allis Police Department  
11301 W. Lincoln Ave.  
West Allis, WI 53227

CLAIMANT:

Reynaldo J. Narvaez  
2432 N. 18<sup>th</sup> Street  
Milwaukee, WI 53210

CLAIMANT'S ATTORNEY:

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Oak Creek, WI 53154

E. Edgar Lin, Esq.  
Ahmad & Associates, L.L.C.  
222 E. Erie Street, Ste. 210  
Milwaukee, WI 53202

DATE OF INCIDENT:

March 22, 2018

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The information contained in this Notice of Claim is derived from video footage captured by the West Allis Police Department surveillance team, AXON body camera footage, and reports reviewed by Timothy Gold and authored by Officers Ryan Stuetzgen, Ramon Agor, Ryan McNally, Jeritt Mees, Jeffrey Zientek, Michael Sitter, Clint Corwin, and Timothy Gold. On March 22, 2018, at approximately 12:30 am, officers of the West Allis Police Department, as identified above, employed excessive force in apprehending Reynaldo J. Narvaez, causing physical injuries including a possible traumatic brain injury. Enclosed for review, please find a copy of the surveillance video.

#### **I. Circumstances of Claim**

On March 22, 2018, Mr. Narvaez was driving his car when Officer Ryan Stuetzgen initiated a traffic stop not due to any moving violations, but because the car had a “heavy tint” on its windows. Regrettably, Mr. Narvaez did not stop. Mr. Narvaez would later plead guilty to Fleeing or Eluding an Officer and Negligent Operation of a Motor Vehicle. *State of Wisconsin v. Reynaldo J. Narvaez*, 2018-CF-1413. After Narvaez accelerated away from Officer Stuetzgen, most of the pursuit involved aerial surveillance.

The exact nature of the surveillance team and its equipment is unknown. Upon information and belief, the West Allis Police Department, either on its own or in a shared venture with other departments, uses a manned aircraft with military style heat-sensing cameras. The images included in this Notice of Claim are copied from this footage.

The surveillance video shows that, after Officer Stuetzgen disengaged his pursuit, Mr. Narvaez eventually parked his vehicle and continued on foot. Mr. Narvaez was soon cornered by Detective Lucas Binter. Detective Binter, with his rifle drawn, instructed Mr. Narvaez to stop and place his hands behind his head. Mr. Narvaez was unarmed and immediately complied by placing his hands on his head. Mr. Narvaez knelt on the ground and gave himself up for arrest. Everything that followed was grossly excessive and an unreasonable use of force.

*The following is a recitation of events, as described in the Notice of Circumstances:*



While Mr. Narvaez knelt on the ground with his hands up, Detective Binter performed a running jump-kick to Mr. Narvaez's neck, forcing him to the ground. Mr. Narvaez landed on his stomach.



Detective Binter then stood above Mr. Narvaez with his gun (an M4 rifle) drawn to Mr. Narvaez's head. Detective Binter held Mr. Narvaez down by placing his foot on Mr. Narvaez's back. Mr. Narvaez then followed directions to place his hands behind his back. Mr. Narvaez did not attempt to escape or resist Detective Binter. After giving himself up for arrest, Mr. Narvaez did not resist, threaten, harm, or in any way refuse to comply with the arresting officers.



While Mr. Narvaez was face down with his hands behind his back, two West Allis Police Officers, Officers Todd Kurtz and Jeffrey Zientek, ran to Mr. Narvaez. One officer held Mr. Narvaez down as Detective Binter and the other officer began repeatedly kicking Mr. Narvaez in his neck, face, and head.



Two more officers joined in the assault. In addition to being kicked and punched, Mr. Narvaez was choked by one or multiple officers. As the beating took place, Mr. Narvaez was threatened: “You are going to die today,” and “we are going to beat your ass when we get back to district.” In AXOM body camera footage from a late-arriving officer, Mr. Narvaez can be heard pleading with the officers to stop the attack. Instead of stopping, however, Mr. Narvaez was tasered by Officer Timothy Gold.



Eventually, Mr. Narvaez lost consciousness due to the assault. Mr. Narvaez was then handcuffed, placed in an ambulance, and transported to West Allis Medical Center.

## II. Notice of Claim

The full extent of Mr. Narvaez injuries, including potential traumatic brain injury, remains unknown. Mr. Narvaez presented to the emergency room at Aurora West Allis with dried blood on his face and swelling to the left side of his face. He had an increased heart rate, shortness of breath, weakness, facial pain, bloody nose, nausea, vomiting, and pain at the site of the taser. A CT-scan at the hospital was fortunately negative for acute intracranial hemorrhage, hydrocephalus, or acute infarct. However, now two years later, Mr. Narvaez continues to complain of short-term memory loss that he did not have prior to this incident. Mr. Narvaez struggles to remember appointments or even what he did the day before.

Despite his injury, Mr. Narvaez has been able to turn his life around. After he pleaded guilty to eluding and negligent operation, Mr. Narvaez returned to school.



He proudly obtained his HSED at Milwaukee Area Technical College and went on to become an electrician. Mr. Narvaez achieved his successes through the assistance of the Social Development Commission Youth



Build Program, which is part of the Ezekial Community Development Corporation. Mr. Narvaez's success-story was recently featured on TMJ4.<sup>1</sup>

1. *Excessive Force & Failure to Intervene*

The video of this incident speaks for itself. Mr. Narvaez was beaten and tasered until he fell unconscious. The use of force by the West Allis Police Department occurred after Mr. Narvaez had freely and immediately given himself up to arrest. The use of force was in violation of Mr. Narvaez's right pursuant to the Fourth Amendment of the United States Constitution to be free from unreasonable seizure. In addition to employing excessive and unreasonable force against Mr. Narvaez, each of the identified officers were aware of the above-described acts, and, despite having opportunity, did not attempt to stop or prevent Mr. Narvaez's beating. Mr. Narvaez has actionable claims against each of these officers and the City of West Allis.

2. *Monell Liability*

The City of West Allis, through the actions of its police department and Chief of Police Patrick Mitchell, is liable for the actions undertaken by the West Allis Police Department on March 22, 2018. Upon information and belief, Chief of Police Patrick Mitchell and the City of West Allis Police Department had an express policy or widespread practice that permits the type of unnecessary force used by the many officers involved in the forceful arrest of Mr. Narvaez.

Upon information and belief, no officers have been reprimanded for the use of force in this case. Given the sheer number of officers involved, this incident

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<sup>1</sup> Julia Felo. "Non-profit beautifies north side, provides opportunities to troubled adults." TMJ4.com. Jul 1, 2019.

demonstrates the existence of a custom amongst the West Allis Police Department of using excessive force. Moreover, this incident—and the fact that no officer intervened—shows that the West Allis Police Department was ineffective in its training of officers on the limits of force. These factors show that the actions of these officers were consistent with the policies of the City of West Allis. This amounts to a deliberate indifference to the rights of citizens in the City of West Allis to be free from unreasonable force. These factors give rise to a *Monell* claim against West Allis.

3. *State Law Claims / Conspiracy*

Mr. Narvaez has prosecutable claims under Wisconsin law, including negligence and malicious prosecution. The reports reviewed by Timothy Gold and authored by Officers Ryan Stuetzgen, Ramon Agor, Ryan McNally, Jeritt Mees, Jeffrey Zientek, Michael Sitter, Clint Corwin, and Timothy Gold are directly contradicted by the surveillance footage taken by Officer Wayne Treep, as described in detail above. The discrepancy between the truth of this incident and the written justifications for the use of force leads Mr. Narvaez to believe that the above-identified officers conspired to harm Mr. Narvaez and cover-up the illegality of his assault, in violation of constitutional rights and his rights under Wisconsin law.

4. *Itemized Statement of Relief*

Mr. Narvaez is required to provide an “itemized statement of the relief sought” in his Notice of Claim. Wis. Stat. § 893.80(1d)(b). Mr. Narvaez itemizes his claim as follows:

- Compensatory Damages (for the violation of his constitutional rights past and future pain & suffering and disability, and damages including medical expenses): \$1,000,000.00.

Dated: June 26, 2020

MARTIN LAW OFFICE, S.C.  
Attorney for Plaintiff

*Electronically Signed by Drew J. DeVinney*

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Attorney for Plaintiff

*Electronically Signed by E. Edgar Lin*

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